

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority.

Claims 1-17 were pending. By way of the present Reply, Applicant has amended claims 2, 9, and 11 and cancelled claims 1, 3-7, 10, 12-13, and 15-17. Claims 9 and 11 are not amended for reasons relating to patentability. Claims 2, 8-9, 11, and 14 are still pending in the application and are submitted for consideration.

Consideration of IDS submitted on November 10, 2009

Applicant thanks the Examiner for initialing the IDS submitted April 14, 2006. Applicant respectfully requests that the references listed on the form submitted with the Information Disclosure Statement filed by Applicant on November 10, 2006, be initialed by the Office and a copy of the form showing the initialization be provided to Applicant's agent. An additional copy of the Form PTO/SB/08 filed by Applicant on November 10, 2006 is enclosed for the Office's convenience.

Claim Objections

Claim 7 is objected to under 35 C.F.R. § 1.75(c). Claim 7 is cancelled. The objection of claim 7 is moot. Reconsideration and withdrawal of the objection of claim 7 is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended where appropriate. Reconsideration and withdrawal of the rejection of claims 1-17 is respectfully requested.

Rejection of claims 1 and 3 based on Tajima

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,511,612 ("Tajima"). Claims 1 and 3 are cancelled. The rejection of claims 1 and 3 is moot. Reconsideration and withdrawal of the rejection of claims 1 and 3 is respectfully requested.

Rejection of claims 1, 3, 6, and 15 based on Brost

Claims 1, 3, 6, and 15 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Published Application No. 2003/0106679 ("Brost"). Claims 1, 3, 6, and 15 are cancelled. The rejection of claims 1, 3, 6, and 15 is moot. Reconsideration and withdrawal of the rejection of claims 1, 3, 6, and 15 is respectfully requested.

Rejection of claims 4-5, 10, 12-13, and 16-17 based on Tajima or Brost

Claims 4-5, 10, 12-13, and 16-17 are rejected under 35 U.S.C. §103(a) as being obvious over Tajima or Brost. Claims 4-5, 10, 12-13, and 16-17 are cancelled. The rejection of claims 4-5, 10, 12-13, and 16-17 is moot. Reconsideration and withdrawal of the rejection of claims 4-5, 10, 12-13, and 16-17 is respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for allowing claims 2, 8-9, 11, and 14 if rewritten to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph and to include all of the elements of the base claim. Claim 2 has been amended to include the elements of claim 1. Claim 9 has been amended to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph. Claims 8-9, 11, and 14 depend from claim 2. Allowance of the application is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12/1/2009

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

Annora A. Bell
Attorney for Applicant
Registration No. 62,169